

REMARKS

Applicant thanks the Examiner for total consideration given the present application. Claims 1-4 and 6-22 remain pending. Claims 1, 2, 6, 7, 8, and 10 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

35 U.S.C. § 103 REJECTION – SPYGLASS PRISM IN VIEW OF FOX ET AL.

Claims 1-4 and 6- 22 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Spyglass Prism (Concepts and Applications: Spyglass Prism, 1997) (hereinafter “Spyglass”) in view of Fox et al. (“Reducing WWW Latency and Bandwidth Requirements by Real-Time Distillation”; Computer Networks and ISDN Systems) (hereinafter “Fox”). Applicant respectfully traverses.

For a Section 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, claim 1 recites “ An image-correction processing apparatus in an image sending system that sends an image to a destination terminal via network, comprising: ... *a means for correcting the send-out image based on a first correction process; wherein in if the destination terminal is the first class of the destination terminal, the send-out image generating means transmits the send-out image based on the first correction process; and if the destination terminal is not the first class of the destination terminal, the send-out image generating means corrects the send-out image based on second correction process and decreases color of the image to be appropriate for a display of a second type of destination terminal.*” *Emphasis added.*

The Office Action acknowledges that Spyglass fails to teach “a first class of devices pertaining to a first correction process and a second class of devices pertaining to a second correction process.” The Office Action attempts to combine Fox with Spyglass to cure the

deficiency stated above. More specifically, the Office Action alleges that Fox teaches an image correction process for devices which discloses various classes of devices and their display capabilities. The Office Action further alleges that the disclosed chart in Fox can be used to correct an image in order to conform with the operating and display capability of the various devices.

Applicant respectfully disagrees with the Office Action. Applicant believes that the display capabilities of portable devices disclosed in Fox has nothing to do with image correction parameters. Fox teaches managing bandwidth to optimize limitation of the portable devices. In addition, Fox's chart on page 5 merely teaches display size and bandwidth limitation. Nowhere does Fox teach or even suggest that the parameters defined in the chart is used for image correction purpose.

Moreover, even if Spyglass and Fox are combinable, the combination fails to teach every single element in claim 1. For instance, claim 1 recites "*a means for correcting the send-out image based on a first correction process; wherein in if the destination terminal is the first class of the destination terminal, the send-out image generating means transmits the send-out image based on the first correction process; and if the destination terminal is not the first class of the destination terminal, the send-out image generating means corrects the send-out image based on second correction process and decreases color of the image to be appropriate for a display of a second type of destination terminal.*" Claim 1 teaches an image processing apparatus where the apparatus processes an image correction based on a first correction process. If the first correction process corresponds to the destination terminal, the corrected image is transmitted. However, if the destination terminal does not correspond to the first corrected image, the apparatus performs second image correction based on a second image correction parameters. Nowhere does Spyglass or Fox alone, in combination teach or suggest the features described above.

Similarly, claims 6 and 10 include some of the features in claim 1. Therefore, for at least these reasons, claims 1, 6, and 10 are distinguishable from the combination of Spyglass and Fox. Claims 2-4, 7-9, 11-22 depend from claims 1, 6, and 10. Therefore, for at least the reasons stated

with respect to claim 1, 6, and 10, claims 2-4, 7-9, 11-22 are also distinguishable over the combination of Spyglass and Fox.

Applicant respectfully requests that the rejection of claims 1-4 and 6-22, based on Spyglass and Fox, be withdrawn.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson Reg. No. 40,439 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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